

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Eugene Love**
Docket No. **277721**
L.C. No. **87-009600**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. Since an order of restitution is a part of sentencing any motion challenging that part of sentencing is a motion for relief from judgment regardless of the title placed on the motion. See MCR 6.501. Because the defendant admits the order was issued March 8, 2000, any motion to challenge that order was required to be placed in the motion for relief from judgment filed in late 2002 and denied May 12, 2004. See docket number 262773. Because defendant waited until afterwards to challenge restitution his motion constituted a successive motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2007

Date

Sandra Schultz Mengel
Chief Clerk